

PCT

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Practitioner's Docket No. U 015739-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of

Inventor(s)

for

Title of invention

OR

In re application of: Konstantin Aleksandrovich SHESTIBRATOV, et al

Serial No.: 10/531,769

Group No.: - -

Filed: April 19, 2005

Examiner: - -

For: METHOD FRO PRODUCING A TRANSGENIC PLANT WITH THE
AID OF AGROBACTERIUM TUMEFACIENS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

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WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
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- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

WARNING: *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

NOTE: *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

If a fee is required, please charge deposit account 12-0425.



SIGNATURE OF PRACTITIONER

JANET I. CORD

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Konstantin Aleksandrovich SHESTIBRATOV, et al

Serial No.: 10/531,769

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Attorney Docket No.: U 015739-4

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached English-language version of an Action or International-type Search Report from a foreign office in respect of counterpart PCT/RU2003/000439 that indicates the degree of relevance found by the foreign office. The Action or Search Report makes consideration of any non-English art required. MPEP 609.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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(type or print name of person certifying)


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We also draw the attention of the Examiner to the attached references which are considered in the specification.

Form PTO-1449 is also attached with reference copies.

Respectfully submitted,



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FORM PTO-1449

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE
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ATTY. DOCKET NO.

U 015739-4

SERIAL NO.

10/531,769

APPLICANT

Konstantin Aleksandrovich SHESTIBRATOV et al.

FILING DATE

GROUP

DECEMBER 14, 2005

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AA	97109836	05/1999	RU	X	
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)						
	AB	Partial English Translation of RU 97109836 dated May 10, 1999				
	AC	Morozova T. "Genetic Stability of Pure Lines of <i>Fragaria Vesca</i> L. in Micropropagation and Long-Term Storage in Vitro." <i>ISHS Acta Horticulturae</i> 567: IV International Strawberry Symposium				
	AD	Mussinan C., et al. "Organic Acids and Fresh California Strawberries." <i>J. Agric. Food Chem.</i> (1975) Vol. 23, No. 3, pp 482-484				
	AE	Murashige, T., et al. "A Revised Medium for Rapid Growth and Bio Assays with Tobacco Tissue Cultures." <i>Physiologia Plantarum</i> (1962) Vol. 15, pp 472-496				
	AF	Olhoft, P.M., et al. "The Role of Thiol Compounds in Increasing Agrobacterium-Mediated Transformation of Soybean Cotyledonary-Node Cells." <i>Plant Cell Reports</i> (2001) Vol. 20, pp 731-737				
	AG	Perl, A., et al. "Establishment of an Agrobacterium-Mediated Transformation System for Grape (<i>Vitis vinifera</i> L.): The Role of Antioxidants during Grape-Agrobacterium Interactions." <i>Nature Biotechnology</i> (1996) Vol. 14, pp 624-628				
	AH	Roberts., W., et al. "Zeamatin, an Antifungal Protein from Maize with Membrane-Permeabilizing Activity." <i>Journal of General Microbiology</i> (1990) Vol. 136, pp 1771-1778				
	AI	Rogers., S., et al. "Extraction of Total Cellular DNA from Plants, Algae and Fungi." <i>Plant Molecular Biology Manual D1</i> (1994) p 1-8				
	AJ	Schestibratov, K., et al. "Plant Regeneration from Excised Cotyledons of <i>Pinus Radiata</i> ." <i>European Tissue Culture Society</i> (2001) 43 rd International Meeting, PW3-09				
	AK	Schestibratov, K., et al. "Molecular Breeding of Strawberry cv Firework for Enhanced Disease Resistance and Taste Improvement by Introduction of <i>thauII</i> and <i>rs-afp3</i> Genes." <i>Agricultural Biotechnology International Conference ABIC</i> (2002)				
	AL	Stintzi, A., et al. "Plant 'pathogenesis-related' Proteins and Their Role in Defense Against Pathogens." <i>Biochimie</i> (1993) Vol. 75, pp 687-706				
	AM	Sutter, E., et al. "Direct Regeneration of Strawberry (<i>Fragaria X Ananassa</i> DUCH.) from Leaf Disks." <i>Hort. Biotech. In Vitro Cult. and Breeding</i> (1997) pp 243-245				
	AN	Szwacka, M., et al. "Variable Properties of Transgenic Cucumber Plants Containing the Thaumatin II Gene from <i>Thaumatococcus daniellii</i> ." <i>ACTA Physiologiae Plantarum</i> (2002) Vol. 24, No. 2, pp 173-185				
	AO	Dreipera, D. et al. "Direct Regeneration of Transformed Plants: Transformation of Tobacco Leaf Disks" <i>Plant Genetic Transformation and Gene Expression. A Laboratory Manual "Mir"</i> (1991) pp 119-130				
	AP	VINITI Database. Revenkova, E.V. et al. "Development of a New vector System Based on Agrobacterium Tumefaciens A281 Strain" <i>Genetic Engineering of Plants</i> (1994) Abstract				

EXAMINER

DATE CONSIDERED

EXAMINER:

Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

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DECEMBER 14, 2005

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA	6,274,791	08/2001	Dhir et al.	
	AB	5,750,870	05/1998	Mathews et al.	
	AC	6,162,965	12/2000	Hansen	
	AD	5,856,154	01/1999	Ryals et al.	
	AE	4,801,545	01/1989	Stuart et al.	
	AF	4,891,316	01/1990	Verrips et al.	
	AG	2002/0004944	01/2002	Baker et al.	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AH	0 307 841	03/1989	EP		

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AI	Nehra, N., et al. "Genetic Transformation of Strawberry by Agrobacterium Tumefaciens Using a Leaf Disk Regeneration System." <i>Plant Cell Reports</i> (1990) Vol. 9, pp 293-298
	AJ	James, D., et al. "Agrobacterium-Mediated Transformation of the Cultivated Strawberry (<i>Fragaria x Ananassa</i> Duch.) Using Disarmed Binary Vectors." <i>Plant Science</i> (1990) Vol. 69, pp 79-94
	AK	Abad, L., et al. "Antifungal Activity of Tobacco Osmotin Has Specificity and Involves Plasma Membrane Permeabilization." <i>Plant Science</i> (1996) Vol. 118, pp 11-23
	AL	de Mesa, M., et al. "Agrobacterium Cells as Microprojectile Coating: A Novel Approach to Enhance Stable Transformation Rates in Strawberry." <i>Aus. J. Plant Physio.</i> (2000) Vol. 27, pp 1093-1100
	AM	Dolgov, S.V., et al. "Expression of Thaumatin II Gene in Horticultural Crops." <i>Genetics and Breeding for Crop Quality and Resistance</i> (1999) pp 165-172
	AN	du Plessis, H., et al. "Efficient Genetic Transformation of Strawberry (<i>Fragaria x Ananassa</i> Duch.) Cultivar Selekt." <i>Hort. Biotech. In Vitro Cult. and Breeding</i> (1997) pp 289-293
	AO	Edens, L., et al. "Cloning of cDNA Encoding the Sweet-Tasting Plant Protein Thaumatin and its Expression in <i>Escherichia Coli</i> ." <i>Gene</i> (1982) Vol. 18, p 1-12
	AP	Humara, J.M., et al. "Agrobacterium Tumefaciens-Mediated Transformation of <i>Pinus Pine</i> L. Cotyledons: An Assessment of Factors Influencing the Efficiency of uidA Gene Transfer." <i>Plant Cell Reports</i> (1999) Vol. 19, pp 51-58
	AQ	Linthorst, H., et al. "Constitutive Expression of Pathogenesis-Related Proteins PR-1, GRP, and PR-S in Tobacco Has No Effect on Virus Infection." <i>The Plant Cell</i> (1989) Vol. 1, pp 285-291
	AR	Maniatis, T., et al. "Molecular Cloning: A Laboratory Manual" <i>Cold Spring Harbor Laboratory</i> (1982) pp 1.19 - 1.29
	AS	Marcotrigiano M., et al. "Histogenic Instability in Tissue Culture-Proliferated Strawberry Plants." <i>J. Amer. Soc. Hort. Sci.</i> (1987) Vol. 112, No. 3, pp 583-587

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